

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION**

|   |   |                         |
|---|---|-------------------------|
| <b>JULISSA ARIANA ROJAS</b>                 | § |                         |
|   | § |                         |
| <b>VS.</b>                                  | § | <b>CIVIL ACTION NO.</b> |
|   | § |                         |
| <b>JORGE ALBERTO MORAZAN and</b>            | § |                         |
| <b>COLD FREIGHT TRANSPORT, Individually</b> | § | <b>JURY DEMANDED</b>    |

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**APPLICATION AND NOTICE OF REMOVAL**

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**TO THE HONORABLE UNITED STATES DISTRICT COURT:**

Pursuant to 28 U.S.C. §1332(a)(2) and Rule 81 of the local rules for the Southern District of Texas, Defendants **JORGE ALBERTO MORAZAN and COLD FREIGHT TRANSPORT** (“Applicant”) files this Application and Notice of Removal and in support thereof would show the Court the following:

**I.**

1. On November 19, 2021, Plaintiff, Julissa Arriana Rojas filed her Plaintiff’s Original Petition in a cause of action against Defendants, **JORGE ALBERTO MORAZAN and COLD FREIGHT TRANSPORT** in the County Court at Law Number 1 in Hidalgo County, Texas, Cause No. CL-21-3894-A.

2. On February 3, 2022, Defendant, COLD FREIGHT TRANSPORT, filed its Original Answer in State court.

3. On February 8, 2022, Defendant, Jorge Alberto Morazan, filed his Original Answer in State court.

4. Pursuant to 28 U.S.C. §1446(b)(3) this notice of removal was filed within 30 days after Defendant COLD FREIGHT TRANSPORT was served with Plaintiff's Original Petition.

5. It was first ascertained that the case is one which is removable after review of Plaintiff's Original Petition. Plaintiff's Original Petition states that this lawsuit is brought for compensatory monetary relief only in an amount over \$250,000 and up to \$1,000,000.

## II.

6. Removal is based upon diversity jurisdiction under 28 U.S.C. §1332(a)(2) because it is a civil action between a citizen of a State and a citizen or subject of a foreign state.

7. Based upon information and belief, according to Plaintiff's Original Petition, Plaintiff is a resident citizen and domiciled in the State of Texas.

8. Applicant COLD FREIGHT TRANSPORT is a corporation domiciled in Eastvale, California. Defendant, Jorge Alberto Morazan is a citizen and resident of the State of California. Therefore, removal is based upon alienage jurisdiction.

9. The action described in paragraph 8 arises from a motor vehicle incident that occurred in Hidalgo County, Texas on or about November 21, 2019. Defendants Jorge Alberto Morazan and Cold Freight Transport plead that this Court has subject matter jurisdiction over this action, because Plaintiff seeks damages in excess of the Court's minimum jurisdictional limits and the lawsuit arises out of events or omissions that occurred in Hidalgo County. This case is being removed to the district and division from where the State court action was pending.

10. The amount in controversy exceeds \$75,001.00. Plaintiff seeks an amount over the jurisdictional limits. *See Plaintiff's Original Petition.*

**III.**

11. Pursuant to Rule 81 of the Local Rules of the Southern District of Texas, Applicant would show the following:

- a. Plaintiff: Julissa Arriana Rojas
- b. Defendants: Jorge Alberto Morazan  
Cold Freight Storage
- c. Status of service of process: Defendants COLD FREIGHT TRANSPORT was served with citation and Plaintiff's Original Petition on or about January 13, 2021.

Defendant, Jorge Alberto Morazan was not served but made an appearance in this case on February 9, 2022.

- d. Counsel for each party is as follows:

**Counsel for Plaintiff:**

Carlos R. Galvan  
State Bar No.: 24076392  
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**Counsel for Defendants:** Jorge Alberto Morazan and Cold Freight Storage

Glenn D. Romero  
State Bar No. 17224025  
Federal Bar No. 7734  
Vidaurri, Lyde, Rodriguez, & Haynes, LLP  
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- e. A jury was demanded by Defendant in the State district court, and the jury fee was paid.

f. Name and address of court from which the case is being removed:

County Court at Law No. 1  
Hidalgo County  
Edinburg, Texas

12. Pursuant to Local Rule 81, a copy of all pleadings asserting causes of action and all answers to such pleadings, a copy of all orders signed by the state judge, a copy of the docket sheet, and an index of matters being filed are attached hereto.

WHEREFORE PREMISES CONSIDERED, Applicant prays that the above action now pending in the County Court at Law No. 1 of Hidalgo County, Texas, Cause No. CL-21-3894-A; Julissa Arriana Rojas vs. Jorge Alberto Morazan and Cold Freight Transport, be removed to this Court pursuant to Rule 28 U.S.C. §1332 and Rule 81 of the Local Rules of the Southern District of Texas and that Applicants may have such other and further relief at law or in equity to which they may show themselves entitled.

Respectfully submitted,

By: /s/ Glenn D. Romero  
Attorney in Charge  
State Bar No. 17224025  
Federal Bar No. 7734

Of Counsel:

Vidaurri, Lyde, Rodriguez & Haynes, LLP  
202 North 10th Avenue  
Edinburg, Texas 78541  
Telephone: 956-381-6602  
Facsimile: 956-381-0725  
Attorney for Defendant  
*Jorge Alberto Morazan &*  
*Cold Freight Storage*

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing document has been forwarded to opposing counsel on this the 15<sup>th</sup> day of February, 2022, as follows:

**VIA E-SERVICE: carlos@galvanlawyers.com**

Carlos R. Galvan  
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3525 W. Freddy Gonzalez, Suite C  
Edinburg, Texas 78539

/s/ Glenn D. Romero